



SDMS DocID 559625

Superfund Records Center  
SITE: Coakley  
BREAK: 11.9  
OTHER: 559625

March 22, 1990

Mr. Steven J. Calder  
Waste Management Division  
United States Environmental  
Protection Agency  
J.F. Kennedy Federal Building, HSN-CAN5  
Boston, MA 02203

Re: Response to EPA Request for Information  
and Notice of Potential Liability  
Concerning the Coakley Landfill Site in  
North Hampton and Greenland, New  
Hampshire

Dear Mr. Calder:

I am writing in response to the Environmental Protection Agency's ("EPA's") request for information and notice of potential liability, directed to National Gypsum Company ("National Gypsum") and dated February 2, 1990. This information request and notice relates to the alleged release of hazardous substances at the Coakley Landfill Site in North Hampton and Greenland, New Hampshire ("Coakley Landfill" or "the Site"). I understand that in previous conversations with our attorneys at Cadwalader, Wickersham & Taft in Washington, D.C., your attorney, Timothy Williamson, agreed to an extension of our response time.

National Gypsum has no knowledge of any connection between it and any disposal of hazardous waste at the Coakley Landfill. Should such a connection be demonstrated, National Gypsum would be willing to negotiate with other potentially responsible parties and with EPA to resolve clean up and liability issues relating to the Coakley Site.

The Gold Bond Building Products Division of National Gypsum ("Gold Bond") operates a plant in Portsmouth, New Hampshire (the "Portsmouth Plant"). Because EPA directed its notice letter/information request to the Portsmouth Plant, our response relates to that facility. National Gypsum, however, is unaware of any link between the Portsmouth Plant and the Site.

By letter dated September 26, 1988, National Gypsum responded to a previous EPA request for information regarding the Portsmouth Plant and the Coakley Landfill (copy attached) ("Previous Information Response"). Although EPA's current information request seeks data for additional years not covered in the earlier request, interviews with plant employees familiar with waste disposal practices and a diligent search of National Gypsum's files for the Portsmouth Plant have revealed no responsive information relating to the Coakley Landfill not provided in the Previous Information Response. Thus, the information contained in the Previous Information Response is also valid for the time period for which EPA now seeks information. Through all of its information-gathering efforts, National Gypsum has uncovered no information or documents suggesting any connection of any kind between the Portsmouth Plant and the disposal of any substance or material at the Coakley Landfill.

Based upon the information available to us, we can imagine no basis for considering National Gypsum a potentially responsible party for any release or threatened release of hazardous substances at the Coakley Landfill. Therefore, National Gypsum requests that EPA delete National Gypsum from its list of potentially responsible parties.

#### I. Sources of Information.

National Gypsum has conducted a diligent search of its records for material relating to the Portsmouth Plant's disposal practices during the years 1972 to 1985 and has found no documents referring to the Coakley Landfill. In addition, National Gypsum has interviewed employees familiar with waste disposal at the Portsmouth Plant. Information contained in this letter was obtained from the following Gold Bond and National Gypsum personnel:

1. Larry Massey: Plant Manager since May 15, 1988; Gold Bond Building Products, P.O. Box 270, Portsmouth, New Hampshire 03801; (603) 436-4840.

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2. Robert Alward: Warehouse Superintendent; employed at the Portsmouth Plant since 1973; Gold Bond Building Products, P.O. Box 270, Portsmouth, New Hampshire 03801, (603) 436-4840. Previous positions at the Portsmouth Plant have included laboratory technician, warehouse foreman, production foreman, and board plant superintendent.
3. Ray Prosek: Maintenance Foreman; employed at the Portsmouth Plant since 1984; Gold Bond Building Products, P.O. Box 270, Portsmouth, New Hampshire 03801 (603) 436-4840.
4. Patrick Radigan: Director of Environmental Services; Gold Bond Building Products 2001 Rexford Road, Charlotte, North Carolina 28211; (704) 365-7300.
5. Wesley Harkins: Director of Safety; Gold Bond Building Products, 2001 Rexford Road, Charlotte, North Carolina 28211; (704) 365-7531.
6. Charmaine C. Horst: Manager, Administration Operations; Gold Bond Building Products, 9960 Brookford Street, Charlotte, North Carolina 28217; (704) 588-3479.
7. Larry K. Henshaw: Distribution Specialist; Gold Bond Building Products, 2001 Rexford Road, Charlotte, North Carolina 28211; (704) 365-7355.

## II. General Objections.

National Gypsum objects to EPA's requests for information on the following general ground, in addition to any other grounds set forth in this letter or otherwise available under law. National Gypsum objects to EPA's information requests because EPA's information requests exceed the scope of EPA's statutory authority under the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), as amended, 42 U.S.C. § 9604(e) (Supp. V 1987), and the Resource Conservation and Recovery Act ("RCRA") as amended, 42 U.S.C. § 6927 (1982 and Supp. V 1987).

A. EPA is authorized by CERCLA to inquire into the following matters:

1. The identification, nature, and quantity of materials which have been or are generated,

handled and disposed of each type of waste after segregation.

- b. Describe whether any of your waste handling and disposal practices changed during this period, and if so, on what date and describe the procedures in effect before and after each change.
- c. Provide any documentation you have concerning any such waste handling or disposal practices or procedures (for example, without limitation: manifests, invoices, purchase orders, internal memoranda, dump receipts, company policies), and give the name and current address of any person who might have knowledge of such practices or procedures.

**ADDITIONAL OBJECTIONS:**

The scope of this request exceeds EPA's authority. Further, to the extent that this request seeks information regarding non-hazardous materials, National Gypsum is not required to respond to this request. In addition, to the extent that the information EPA seeks is not linked in any way to the Coakley Landfill, National Gypsum is not required to provide such information.

**RESPONSE:**

See narrative response and the Previous Information Response. In view of the objections noted above, National Gypsum is responding to EPA's request for documentation contained in Request 1(c) only insofar as it seeks documentation pertaining to the Site. National Gypsum has found no documents pertaining to the Coakley Landfill.

**SOURCES OF INFORMATION**

See list of individuals contained in narrative response, and see Previous Information Response.

**2. REQUEST:**

Describe any knowledge you or your company have of the disposal of any industrial waste or liquid waste at the Site by you, your company or any other person or entity

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Browning Ferris Industries, discussed in the Previous Information Response, is: Ashford Place, 14701 St. Mary's Street, Houston, Texas 77079.

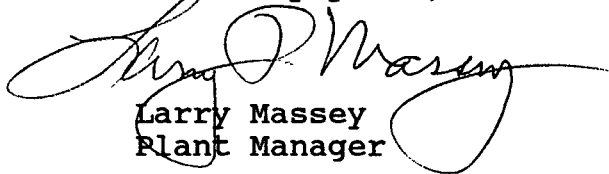
**SOURCES OF INFORMATION:**

See list of individuals contained in narrative response and see Previous Information Response.

**IV. CONCLUSION**

National Gypsum's information-gathering efforts have uncovered no basis for considering the company a potentially responsible party. National Gypsum has no knowledge of any facts or circumstances linking it in any way to the Coakley Landfill. I therefore request that EPA delete National Gypsum from any list of potentially responsible parties, and that EPA take no further action against the company.

Sincerely yours,



Larry Massey  
Plant Manager

cc: Timothy Williamson  
United States Environmental  
Protection Agency  
Region I  
Office of Regional Counsel  
J.F. Kennedy Federal Building  
Boston, MA 02203-221